

***SURFACE TRANSPORTATION BOARD***  
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

May 13, 2005

Mr. Mark Wilson  
US Fish and Wildlife Service  
Montana Field Office  
100 North Park, Suite 320  
Helena, MT 59601

Re: Tongue River Railroad Company, Inc. – Finance Docket 31086 (Sub-No. 3) –  
Construction and Operation of the Western Alignment – Endangered Species Act Section  
7 Consultation Process

Dear Mr. Wilson:

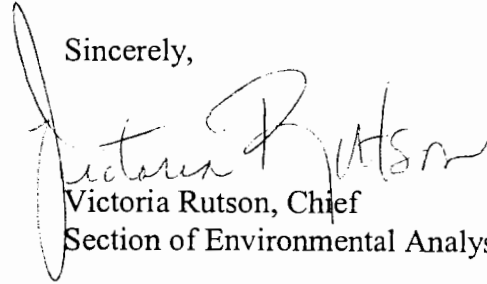
The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) is conducting an environmental review of Tongue River Railroad Company's (TRRC's) proposed rail construction and operation of the Western Alignment (Tongue River III) in Rosebud and Big Horn Counties, Montana, pursuant to the National Environmental Policy Act and related environmental regulations. Pursuant to Section 7 of the Endangered Species Act, SEA is requesting formal consultation with your office.

SEA has analyzed the proposed Western Alignment's effects on threatened or endangered species and/or critical habitat in the enclosed Biological Assessment. SEA concludes that construction of the proposed Western Alignment, with our recommended mitigation measures, is not likely to adversely affect the bald eagle (*Haliaeetus leucocephalus*), the whooping crane (*Grus americana*), the black-footed ferret (*Mustela nigripes*), the pallid sturgeon (*Scaphirhynchus albus*), or the interior least tern (*Sterna antillarum athalassos*).

The increase in bald eagle nests in recent years in the vicinity of the previously approved Tongue River I and northern Tongue River II railroad construction projects may increase the potential for impacts to bald eagle nesting success or to fledglings by the project as a whole. Please give us your biological opinion on our findings no later than 135 days from receipt of this request. If we don't hear from you within 30 days, we will assume that you have sufficient information to initiate consultation and will provide us with your biological opinion within 135 days. If possible, we would like the opportunity to comment on the draft biological opinion prior to its finalization.

If you would like additional information, please do not hesitate to contact Kenneth Blodgett of my staff by telephone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov). We look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Rutson". The signature is written in dark ink and is positioned above the printed name and title.

Victoria Rutson, Chief  
Section of Environmental Analysis

Enclosure: Biological Assessment for the Tongue River III (Western Alignment) Project